

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347

302 658 9200  
302 658 3989 FAX

GREGORY W. WERKHEISER  
302 351 9229  
302 425 4663 FAX  
gwerkheiser@mnat.com

October 20, 2006

**Via E-Filing & Hand Delivery**

The Honorable Kent A. Jordan  
United States District Judge  
United States District Court  
For the District of Delaware  
844 N. King Street  
Wilmington, DE 19801

**Re:** *Robert K. Alber v. Traub, Bonacquist & Fox LLP, et al.*  
**(District Court Case No. 05-0830-KAJ)**  
*Morris, Nichols, Arsh & Tunnell v. Traub, Bonacquist & Fox LLP, et al.*  
**(District Court Case No. 05-0831-KAJ)**

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Dear Judge Jordan:

I write on behalf of appellee/cross-appellant Morris, Nichols, Arsh & Tunnell, LLP with respect to the enclosed proposed Second Amended Consolidated Scheduling Order (the "Proposed Order"), which reflects the Court's ruling at the status teleconference held on Monday, October 16, 2006, at 3:30 p.m. (prevailing eastern time). I circulated a copy of the Proposed Order to all parties to the above-referenced appeals by e-mail on October 16, 2006, accompanied by a request that they communicate their comments or objections, if any, by 3:00 p.m. (prevailing eastern time) on October 17, 2006. All parties to the appeals either have failed to respond to my e-mail or have affirmatively consented to the Proposed Order. Accordingly, the Proposed Order is hereby tendered for the Court's consideration.

Respectfully,



Gregory W. Werkheiser (No. 3553)  
Morris, Nichols, Arsh & Tunnell LLP

GWW/maf

Honorable Kent A. Jordan  
October 20, 2006  
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cc: Frederick B. Rosner, Esq.  
James L. Garrity, Esq.  
Ronald R. Sussman, Esq.  
Mark. Minuti, Esq.  
Mark S. Kenney, Esq.  
Steven E. Fox, Esq.  
Mr. Robert Alber

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